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SUBJECT: INDIAN MUSLIMS REJECT EXTREMISM VIA FATWAS

REF: NEW DELHI 5216

1. (U) Summary: The recent controversy surrounding a fatwa from the Darul-Uloom Deoband seminary demonstrates the unique ability of India's Muslim community to reign in signs of extremism to maintain a moderate Islam identity. During Panchayat (local) elections in Uttar Pradesh, three muftis from the Darul-Uloom Deoband seminary issued a fatwa that Muslim women contesting elections must wear purdah (the veil). The strong outcry from Muslims, especially women, led the seminary to impose a ban on individual muftis issuing edicts on political matters. The fatwa raised questions of gender equality and moral authority in Islam, the personal law system for Muslims and parallel cleric-run legal structures, the media's treatment of Muslims, and the interplay of religion and politics in India. The mainstream Muslim community, fearing that the BJP and the Left parties would play up the fatwas as an Islamic threat for political gains, resisted even a modest move towards extremism. Yet again, India's Muslims have shown the world why they can serve as a role model. End Summary.

Muslims Upset Over Recent Deobandi Fatwas

2. (U) Over the past three months, the Darul-Uloom Deoband seminary has issued two controversial fatwas regarding women's rights and responsibilities. The Darul-Uloom Deoband is the largest religious and academic center for Islamic studies on the sub-continent and offers education at all levels to approximately 3,000 new students a year. According to Mufti Mohammad Aamir Chandpuri, the seminary's muftis (Islamic scholars capable of interpreting Shariat law) comprise the Dar-ul-ifta, which can issue religious opinions known as fatwas in accordance with the Hanfi school of law. General Secretary of the Jamiat Ulema-i-Hind, Maulana Mehmood Madani, explained that the fatwas cannot be enforced, and so it is up to the believer to implement the opinions. The Deoband school is more influenced by fundamentalist Wahabi thinking than others in India.

3. (U) On August 16, three Darul-Uloom Deoband muftis issued a fatwa stipulating that women contesting elections are required to wear purdah. Several national Indian papers reported different versions of the fatwa, inferring variously that the Deobandis implied women should not contest elections or were less intelligent than men. The statement set off a strong outcry among women of all religions as well as some Muslim clerics. Speaking to Poloff, Madani clarified the fatwa and observed that Islamic law, in his view, has nothing against women running for elections but requires all women to wear purdah at all times.

4. (U) This controversy comes on the heels of the "Imrana case," in which a woman was reportedly raped by her father-in-law. In response, the Deoband school issued a fatwa that she should no longer live with her husband. However, newspapers carrying the story reported that the seminary told Imrana to divorce her husband and live with the rapist father-in-law. According to Madani, Imrana was given the option to leave her husband's house because it was no longer safe, but the idea that she should live with her rapist is "totally false," he said. Nevertheless, most Indians were left wondering why the seminary was putting out such archaic edicts. Mehbooba Mufti, a Member of Parliament and President of the Jammu and Kashmir People's Democratic Party, summed up many Muslim women's feelings in an editorial, writing that "Every time a fatwa is issued without sparing a thought to the consequences of such interpretations, the brunt is always born by women." Media Misinformation Campaign?

5. (U) Islamic scholars protest that the Indian media is misinterpreting Muslim statements in an effort to sensationalize the news and scare readers with the "Islamic threat." Mualana Qari Mian Mazhari, the Editor of the "Secular Qayadat" magazine, explained to Poloff that ideally "affected parties" are supposed to ask for the Deobandi guidance, but a journalist had sent in the question about appropriate dress for female politicians in order to spark a controversy. The intent, commented senior journalist Zafar Agha, is to "build up the politics of the Islam scare and create an enemy." The BJP is stuck in its own internal debates (Ref A), but is still looking for an anti-Muslim rallying point, said Agha. Madani complained that the media

is running a "misinformation campaign to malign Muslims." On this point, he believes the Left has joined hands with the BJP in the fight against Islam. Some Muslims worry that an irresponsible media, under the guise of the war on terror, is playing up the danger of Islamic extremism. In an August 26 article in the "Indian Express," senior journalist Saeed Naqvi charged "participation in this war on terror gives legitimacy to the media's relentless quest for jihadis within, which, with careless editing and lazy programming, begins to touch limits where Muslims find themselves demonized."

Or Deoband Power Struggle?

16. (U) Although news reports do obfuscate the facts and sensationalize the debate, other Indians point to these fatwas as evidence that the Darul-Uloom Deoband is trying to increase its power by extending the parallel legal system (Nizam-e-Qazi). Under the Code of Criminal Procedure of 1973, only matters of personal law including marriage, divorce and property can be delegated to Darul Qazas, or Islamic courts, to be decided according to Shariat law. Qari Mian Mazhari, the Editor of the "Secular Qayadat" magazine, who follows the more tolerant Barelwi school, emphasized that the two recent fatwas are outside the domain of personal law. Now that the Congress party has returned to power, he believes the Wahabis who influence Deoband see their chance to regain ground lost under the BJP and issue fatwas outside of the traditional domain. The strength with which Muslims are challenging this trend, the editor noted, is healthy for Islam in India.

Deoband Relents and Reigns in Political Fatwas

17. (U) After the fatwas, pressure within the Islamic community led the Vice Chancellor of the Darul-Uloom Deoband seminary to issue a ruling that individual muftis would no longer issue religious edicts on any subject with a political overtone, and that a seven-member "jury" under his supervision would look into such matters. According to Agha, Muslims were afraid that the controversy would fuel the BJP efforts against them, and therefore called for a retraction. Mullahs have lost their hold over Indian Muslims, said Agha, and therefore had no choice but to relent. Starting with the Babri Masjid demolition in 1992 and continuing through the Gujarat riots in 2002, people saw that the mullahs could not protect them. The Muslim community turned towards politics to fill this need, and "feels protected by Congress." Agha observed that there is "churning across the community" to modernize and think beyond security to economics. Muslims look at the Dalits, he commented, and wonder why they, too, haven't made the same progress.

Comment: Fatwas Aren't Working Like They Used To

18. (U) Comment: A dynamic, moderate Muslim community in a democratic India is limiting the religious and political space needed for retrogressive and controversial fatwas to succeed. Recent political experience has shown the Muslim community that the perception left by backward looking fatwas hurts their cause in the democratic process and gives the BJP and Left parties fodder for their own ambitions. Muslims are analyzing the effects of religious extremism within a democracy and pushing back at self-appointed bastions of religious authority. There are still, however, serious questions which loom: the Supreme Court has agreed to review a Public Interest Litigation questioning the validity of the parallel legal system, again putting Muslim groups on the defensive. Ultimately, the ability to debate these issues, both publicly and internally, gives the average Indian Muslim a say in how his religion progresses. This is unique to India's democracy, and allows the common man to rein in attempts by some towards extremism.

19. (U) Visit New Delhi's Classified Website:  
(<http://www.state.sgov/p/sa/newdelhi>)  
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